


Exhibit 7

Vicki and Joel Blumenfeld


Honorable Denise L. Cote
U.S. District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

April 5, 2021

Dear Judge Cote,

We are writing to you to in support of our son-in-law, Dan Kamensky.

We were first introduced to Dan on a Sunday afternoon in June 2000, when our daughter Amy brought him to our home to meet us. Shortly after Dan and Amy arrived, we sat down in our kitchen and Dan noticed a comical printout on our refrigerator titled, “Application to Date My Daughter.” Vicki received this as a gag gift from a friend and it had been displayed in our kitchen for a while. Had we thought about it in advance, we probably would have removed it from the refrigerator lest it be awkward during an initial visit with our daughter’s suitor, but alas, it was there and when Dan saw the application, he smiled. Though he knew it was a joke, he pulled off the magnet, politely asked for a pen, and proceeded to fill out the form at our kitchen table. We all had a good laugh. That silly questionnaire turned out to be a terrific ice breaker.

During our first conversation, we got to know a bit about each other. Dan learned that Vicki was a junior high school English teacher in Forest Hills, and that I, at that time, was a judge in Queens Supreme Court Criminal Term. We spoke about Dan’s upbringing in Chicago, his experiences at Georgetown University, and how he had recently moved to New York to be a first-year associate at Simpson Thacher and Bartlett after completing a federal clerkship in Florida’s 11th Circuit Court of Appeals.

After that initial meeting, Amy would often bring Dan to our home for Sabbath dinner on Friday nights (a tradition that continues to this day, but is now usually held at Amy and Dan’s home) and it was during those meals around our dining room table that we became better acquainted. Dan was raised in a Jewish home, but one with a different level of observance than ours. Dan’s inquisitive mind and respectful nature led to interesting conversations about Jewish philosophy, traditions and customs. He possesses an innate curiosity and was genuinely interested in expanding his understanding and practice. In addition to conversations about religion, we talked about his work at the law firm, we discovered we shared a passion for books about American history, and we learned a lot about his family back in Chicago. It was abundantly clear to us how much he loved and admired his parents. My own father, Amy’s grandfather, was always present

at these Sabbath dinners and he and Dan quickly forged a special bond of their own talking about everything from backyard gardening to fluctuations in the stock market. Years later, as my father aged, Dan helped us care for him. And when it was clear my father's death was imminent, Dan dropped everything he was doing at his Manhattan office and raced out to a hospital in Flushing, Queens to be at my father's bedside to say goodbye.

Though Dan's sharp intellect and pleasant nature was evident from the start, what impressed us most about this young man was his kindness, compassion, and heart.

Though you would never know it by looking at her, Amy has an extensive medical history. When she was thirteen-years-old, she underwent surgery to attach a rod to her spine to correct for a severe case of scoliosis. She was in a body cast for three months prohibiting her from attending school, riding in a car, and even sitting upright for long periods of time. One month after the cast was removed and she returned to her normal routine, Amy came home from school with what we thought was a virus. It turned out to be Hodgkin's lymphoma. For the next eleven months she received chemotherapy at a nearby hospital. At the end of the course we were told she was in remission. One month after being declared in remission, her symptoms returned. We transferred her treatment to Memorial Sloan Kettering Cancer Center where we were informed by doctors that it was unlikely that she would respond favorably to more conventional chemotherapy. The best option was high doses of both radiation and chemotherapy followed by an autologous bone marrow transplant – a procedure Sloan Kettering had never performed on an adolescent with Hodgkin's lymphoma. Amy would be the first.

In preparation for the high-dose radiation, Amy's medical team recommended a surgery where they would shift her ovaries out of the line of radiation prior to her treatment in order to try to preserve her fertility. Of course there were no guarantees, but we agreed to the operation in order to give her the best quality of life in the future if she were to survive the transplant.

Fortunately, Amy not only survived, she thrived. After nearly two months in a reverse isolation room, she was strong enough to be discharged. She returned to her New York City public high school for the start of 10th grade with a scarf wrapped around her bald head. She excelled academically and cultivated wonderful friendships, many of which continue to this day. She went on to graduate from Barnard College, Columbia University's Graduate School of Journalism, and have a successful career as a writer/editor. It was while she was working on staff at George magazine that she met Dan.

So, in the spring of 2001, and after many months of Friday night dinners and various other gatherings, Dan reached out and asked if he could meet Joel to have lunch. He brought sandwiches to Joel's chambers – which at the time was at the courthouse in Long Island City – and it was there at Joel's desk that Dan asked for our blessing to marry our daughter. We knew from Amy that Dan was well aware of her health history and the question marks that loomed over their future. The fact that this lovely young man was undaunted by the prospect of potential relapse, secondary cancer, or infertility was heartwarming.

Amy and Dan wed in June 2002, and around that time, Amy was asked to speak publicly about her experiences as a pediatric cancer survivor at various events for Sloan Kettering. She even

spoke at a hospital fundraiser the day before their wedding and Dan's family members, who were in town for their nuptials, stood in the back of the packed conference room to show their support. Dan and Amy donated a portion of their wedding gifts to the pediatrics department at Memorial Sloan Kettering.

After they married, Amy and Dan learned that the radiation she received had scarred her uterus too severely for her to carry a pregnancy to term. True to his word, Dan remained loving and supportive and together they explored gestational surrogacy. Given that New York State law did not permit gestational surrogacy at that time, Amy and Dan found an experienced surrogate in Phoenix, Arizona. Amy's eggs were harvested and used to create embryos at Yale University Fertility Center. They flew the surrogate from Phoenix to Connecticut for the embryo transfer at Yale, and in February, 2006, our first grandchild, Mia Natalie Kamensky, was born in Phoenix, Arizona. Dan's parents and our extended family traveled to Phoenix to join Amy and Dan for this miraculous milestone.

In Judaism, religion is inherited through matrilineal descent. The "mother" of a child is defined as the woman from whose womb the child emerged. Even though Amy is Mia's biological/genetic mother, Mia emerged from the womb of a surrogate who was not Jewish. Because it was very important to Amy and Dan that Mia be considered Jewish, they consulted several rabbinic authorities and decided to officially "convert" their already biologically Jewish daughter to the strictest interpretation of Jewish law by submerging Mia in a *mikvah*, a ritual bath. Dan was tasked with fully submerging his infant daughter underwater and this was not easy for him. He had lost a brother to drowning. Dan was scared to hold his newborn underwater, but he summoned the strength and courage to do so.

In 2011, we traveled with Amy, Dan, and Mia to Israel. During that trip we went on a bus tour organized by the Jewish National Fund (JNF). The Israeli JNF tour guide on that trip was a young man about Dan's age. Dan and the tour guide clicked immediately. That tour guide was the person who connected Dan to the JNF office in New York and initiated his involvement with the organization. Shortly after Dan became active at JNF, he was asked to introduce the honoree at their annual gala dinner here in New York. That honoree was the Israeli General Doron Almog. Dan and General Almog then established a friendship. When Dan learned about General Almog's son's disabilities and the rehabilitation village he was creating for those facing similar challenges, Dan was adamant about helping. That is how Dan became involved with Aleh Negev. And when Dan was honored by JNF for his leadership and commitment in 2017, General Almog flew to New York for 24 hours just to introduce Dan at the event.

In addition to JNF, Dan has been actively involved with other charities. He has served on the boards of the Solomon Schechter School of Long Island and Temple Beth Israel in Port Washington, and he has also been a supporter of our synagogue – the Hollis Hills Bayside Jewish Center. Amy, Dan, and Mia typically spend the Jewish high holidays as well as occasional Sabbath services at our synagogue where we have been active members since Amy was a toddler. This community watched Amy grow up and were tremendous sources of strength for all of us when she was ill. Over the years, Dan has gotten to know our friends very well and he has been embraced by them all. He has counseled some of their children who are interested in

law or finance and is always happy to take a phone call, meet in person, or help network. Dan has never been anything but lovely, kind, and generous to everyone.

In 2013, Amy learned that she had early stage breast cancer and would need a double mastectomy. For us, it felt like the other shoe had dropped. We had always known a secondary cancer was a possibility and though we were hopeful it would not happen, we were grateful Amy had been so vigilant about her follow-up care. For Dan, however, this was an initiation. He had experienced minor health scares with her in the past, but nothing this significant. Though it was not easy, he rose to the occasion. He stood by her side and managed to balance his work obligations with that of being a compassionate caretaker and loving father. Amy has since experienced other long-term effects from her high-dose and experimental pediatric cancer treatments, and while each episode proves to be scary, Dan is steadfast in his support, love, and partnership.

As mentioned earlier, we have a long standing family tradition of getting together every Friday night for Shabbat dinner. When we were raising our children, Joel's parents were at our weekly Friday night Shabbat meals. Amy and Dan are carrying on that tradition hosting in their home and it is undoubtedly the highlight of our week as it is typically a time to hear about the events taking place in their and Mia's individual lives. Vicki has been suffering with Parkinson's disease since 2008 and each week when we drive over to their house, Dan greets us with the Rollator walker they keep for Vicki at their home. At the end of the night, Dan walks us out to the driveway and helps us get settled in the car.

Dan has also been supportive of and attentive to his father, Marvin, who also suffers from Parkinson's disease. Dan has flown down to Florida to help his mother care for his father. As this is being written, Dan's father has been scheduled to have a feeding tube inserted into his stomach this coming week as he is having great difficulty swallowing. Vicki and Marvin were diagnosed with Parkinson's disease a year apart and since then, Dan has contributed to the Michael J. Fox Foundation for Parkinson's Research and has participated in their fundraising activities.

One of the highlights of our weekly Shabbat dinners was the planning for our granddaughter Mia's Bat Mitzvah in 2018. She is a very talented artist who has had her work displayed at JFK Airport and local museums. As a "Mitzvah Project" for her Bat Mitzvah, she decided to create a book of her artwork called "Art for the Cure" so that she could support research to find a cure for both Parkinson's disease and pediatric cancer. She held an exhibition at a studio in Great Neck to raise funds for Memorial Sloan Kettering Cancer Center's department of pediatrics and the Michael J. Fox Foundation for Parkinson's Research. She sold copies of her book surrounded by hangings of her art and raised thousands of dollars divided equally between the two research institutes. Dr. Tanya Trippett, one of Amy's follow-up care doctors from Memorial Sloan Kettering, attended the exhibition on behalf of Memorial Sloan Kettering. When she related her personal dream of building a state of the art cancer facility in Ghana, Africa, Dan didn't hesitate to assist, and he ultimately became very involved in fundraising activities for the Eugene Gasana Jr. Foundation.

Over the years, the conversations at Shabbat dinner about Dan's life often touched upon his work. We have seen him through his days at Simpson Thacher & Bartlett, Lehman Brothers,

Paulson & Co., and since 2015, Marble Ridge Capital. We were there when he wrestled with the decision to leave Paulson to establish his own firm. We listened as he told us about meeting with investors, hiring employees, looking for office space to rent, and what it was like for him to open the doors of his office for the very first time. It was abundantly clear to us how deeply Dan cared for his investors and employees and what a priority it was for him to maintain a positive and healthy work environment for the staff. He hired an executive coach to be a sounding board and help him navigate the challenges of being a new business owner and we found it fascinating that he asked his employees to regularly evaluate *him* with “360 Reviews.” There was no pride or ego about it for Dan. He just wanted to be the best leader he could be.

As exciting and heady a time as it was for Dan, it was also one of increasing stress and growing pressure. To know Dan is to know that he tries to be a source of support for everyone who needs him. He is a helper by nature and people regularly seek his advice and guidance on matters big and small. It is not entirely surprising that his daily life had become a flurry of ringing phones, emails flooding his inbox, multiple screens, constant distractions, and snap decisions that needed to be made. Yes, he managed much of that at his previous jobs, but being a boss is different, and he felt the weight of the role. He was wanted and needed everywhere. While he greatly enjoyed the intellectual challenges, the incessant intensity was having an impact. He was “on” all the time. With his growing business and all the charitable work he was doing for so many organizations, along with the desire to be home for Amy and Mia, it was simply too much. He was spread too thin. Dan has a heart of gold, but he is just one man.

On Friday, July 31, 2020, we went over to Dan, Amy, and Mia’s home for Sabbath dinner. As we were about to recite the prayers and begin the meal, there was a call on their house phone. We could hear a man leaving a message on the answering machine asking for Dan to return his call. Dan excused himself and went upstairs to return the call. It turned out to be a lawyer involved in the Neiman Marcus bankruptcy Dan had been working on. The four of us were at the dinner table for a while without Dan. Eventually, he returned to the dining room but became quiet and suddenly appeared pale. He didn’t speak until a few minutes later when he excused himself to return upstairs to make another call.

The four of us knew nothing about the substance of any of Dan’s phone calls that day or evening. We did learn subsequently about them, and to Dan’s credit, even though he could have exercised his right to remain silent, he wanted to express his sincere regret as soon as possible. During his interview with the U.S. Trustee on August 16, his first words after being sworn in under oath were, “I want to come right out and say I made a series of terrible mistakes over the course of a few hours during which I was under extreme stress and time pressure that I will never forget and forever regret.” He then went on to apologize, saying “Anything I have done to put that process at risk is unacceptable, and I apologize to the Court, to the U.S. Trustee, to the committee, and the professionals who worked so hard to make this case a success.” The U.S. Trustee’s Report of August 19 acknowledged that Dan took the opportunity to admit he had made mistakes and that he would take responsibility for his actions.

A few weeks later, on Thursday, September 3, 2020, at 6:30am, we received a frantic phone call from Amy to inform us that numerous FBI agents had just entered their home and arrested Dan.

They were awakened that morning by pounding on the front door of their house and high beam lights flashing over the windows. Dan answered the door in his underwear and was immediately handcuffed in their dining room. At the time of the arrest, Mia was in bed and did not know that the people who had invaded her home were government agents. She thought they were burglars. It wasn't until an FBI agent followed Amy around upstairs as she gathered Dan's clothing, medicine, and passport that Amy was able to explain to Mia that Dan was okay. Mia thought that while she lay under the covers upstairs, the intruders had killed her father downstairs.

We arrived within an hour after the arrest and spent the remainder of the day with Amy and Mia at our son's house. Amy was physically shaking at points during the day. They spent the next couple of days living at our house because they were too traumatized to return to their home.

In the seven months since then, the ripple effect of Dan's arrest has been widespread and ongoing. Dan and Amy have entered marriage counseling for the first time in their relationship. Amy has had to find a way to explain to Mia that Dan is still the loving and sweet father Mia has always known, that he is still an ethical and upstanding person of great integrity, but that sometimes, even the best people are capable of making mistakes. Amy has also explained to Mia what Martin Luther King, Jr. once said: "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy."

I, Joel, have seen many prosecutors contact defense attorneys to arrange for clients to surrender throughout my career in criminal law. After graduating law school in 1968, I spent two years as a parole officer before becoming an attorney with the Legal Aid Society in New York City. In 1978, I became the attorney in charge of the Bronx office of the Legal Aid Society where, in addition to trying cases, I had the privilege of supervising and training the young attorneys on staff. Among the people I trained there were Barry Scheck and Peter Neufeld who ultimately founded the Innocence Project. In 1987, I was appointed by then New York City Mayor Ed Koch to be a Criminal Court Judge in the City of New York. In 1996, I was assigned to Queens Supreme Court Criminal Term. Additionally, for over twenty-five years, I taught students, coached the mock trial team, and was the presiding judge for all faculty demonstrations in the Intensive Trial Advocacy Program (ITAP) at Benjamin N. Cardozo Law School advising students about trial preparation, courtroom procedure, and proper attorney and judicial ethics. Given my experience in the criminal justice system, I fail to comprehend why an early morning home arrest was necessary in Dan's case and why a surrender to the U.S. Attorney's office was not arranged through Dan's attorney. Dan had no criminal history and possessed a track record of admitting his mistakes as well as cooperating with the authorities. There was no reason to believe he would not be cooperative once again. Instead, his wife and daughter were traumatized, and his wife – a multiple cancer survivor with a compromised immune system – was exposed to an increased risk of contracting Covid-19 because numerous FBI agents were congregating in her home during a pandemic when we were all advised by the government to limit the number of people gathering indoors. I know the courts have been operating virtually in order to socially distance and protect all parties involved; I'm not sure why Dan's wife and child were not extended the same courtesy, particularly given Dan's clean criminal record, history of cooperation, and prior voluntary testimony under oath.

What you should know about Dan is that he is honorable. The irony in all of this is that Dan was trying to right a wrong by standing firm against Ares Management, who had siphoned out over a billion dollars of value from Neiman Marcus. Dan stuck to his principles but had to fight a lengthy battle that started in Texas State Court in 2018, then moved to New York State Court in 2019, and eventually to the Bankruptcy Court in the Southern District of Texas. Each step of the way Dan would tell us that he felt as if he were David confronting Goliath. Dan's position was ultimately vindicated when the Official Committee of Unsecured Creditors found in their bankruptcy report that Ares engaged in a fraudulent conveyance. Ares agreed, but only under the threat of litigation, to contribute approximately \$150 million for the benefit of unsecured creditors. But it was all too late for Dan. The pressure had built up and, like the straw that broke the camel's back, Dan broke a day later on Friday, July 31, 2020. What occurred that day is truly an anomaly in Dan's life. It is wholly uncharacteristic of the man we have known and loved for over two decades.

What is admirable about Dan is that upon realizing his mistake, he immediately sprang into action. Not only did he voluntarily apologize under oath for his mistakes shortly after they occurred, but he sought to make himself as well as the entire process whole by taking tangible restorative actions even beyond what the civil process might have imposed on him – and this was all done before his civil dispute became a criminal one when he was arrested on September 3, 2020. All of these were Dan's ideas. He made the arrangements on his own and suggested making it a part of his settlement with the Texas bankruptcy court.

He closed his business and agreed to subordinate 100% of any Neiman Marcus claims held for his benefit.

He donated \$100,000 to a variety of charities, including establishing and helping to fund the Diane Livingstone Memorial Scholarship for Public Service in Bankruptcy and Creditors' Rights at the University of Houston Law Center (Houston is the venue for the Neiman Marcus bankruptcy). The award, named in honor of a graduate of the school and member of the Houston legal community who lost her life to Covid-19, will go to a deserving 3L student beginning this spring who will be working in government service as either a prosecutor, law clerk, or other capacity. Dan continues to contact lawyers in the local community to sponsor outreach to raise awareness and funds for the School's scholarship.

Dan also agreed, without any prompting from the bankruptcy court or opposing parties, to attend 15 hours of CLE ethics classes and perform 200 hours of community service.

As I'm writing this letter now, Dan is at the Interfaith Nutrition Network in Hempstead, Long Island packaging and distributing meals for the hungry. He has also volunteered at the Met Council Food Pantry locations in Brooklyn and Queens. He has already donated over 100 hours and will continue spending time there because he truly enjoys it.

In March, 2021, Dan gave guest lectures at NYU Stern School of Business, the Wharton School of the University of Pennsylvania, and Columbia Business School about the bankruptcy process, ethical and legal obligations, and the impact of stress on decision-making so that he could turn his momentary lapse into a cautionary lesson for future generations. He is scheduled to teach

again later this month at NYU Law School, and he is currently creating a case study for Harvard Business School about the same issues and hopes to give the presentation to students there next spring. I commend Dan not only for turning this tragic lesson around so swiftly to use it for good, but for his willingness to set aside the embarrassment and shame he feels in the midst of his current situation in order to candidly reflect and offer insight about the burdens of leadership and the human aspects of risk management.

After teaching in March, the professors emailed some student reviews to Dan. The following is a sampling of those comments which speak to the impact he is already having on his industry and society at large.

- “It takes courage and humility to share his story with us and tell us what real life is professionally when it comes to risk...I would like to tell Dan that I admire him from the bottom of my heart and his story will have without a doubt on our careers.”
- “The lesson I took from Dan’s discussion was that people can make big mistakes during times of high stress moments. Sometimes those mistakes can happen so fast that you don’t even realize something went wrong...This is a valuable lesson to me – to always keep a clear mind when making decisions...”
- “I think hearing and seeing the emotional impact the misstep and consequences had on him firsthand was very real. I thought it was a powerful conversation and very useful.”
- “I really admired Dan’s courage for open discussion of what he had experienced. That makes me think a lot about myself and makes me ask myself of what I really want for my life. Sometimes when you stand on a higher position, you face much higher risk too. But I also believe that as smart and courageous as Dan is, his life will finally be carved into an art by these suffering and experience.”
- “I truly appreciated his honesty...Being able to reflect and offer advice in the midst of his current situation is quite admirable and I learned a lot about growing from mistakes...”

Dan’s commitment to service before and after July 31 speak to his genuine desire, dedication, and intention to be a positive contributor to our system of justice and society. He admitted from the start to his wrongful conduct, and to whatever extent this has made him an easy example for others to see and learn from (and publicly castigate), he has never shirked from owning his mistakes. Dan isn’t just talking the talk, he is walking the walk. By being open, vulnerable, and sincere, he is already making a tremendous difference by teaching society how to learn from his mistakes. This is someone we want in the world.

Religion teaches us that no one is perfect. We need to confess our sins, ask forgiveness from people we have offended, make amends to those people, and then vow to make ourselves better. Dan is a model of repentance. He is human and fallible and cracked under pressure, but he is sincerely sorry and is making amends for his actions and already emerging as a better person.

One of the most rewarding and positive experiences I had as a judge was a year-long assignment in a drug treatment court. It was a rare opportunity to truly see people turn their lives around. The Office of Court Administration took the position that the system was incarcerating too many people who suffered from addiction. The defendants needed help, but jail was not the answer. Instead, I sent them to treatment programs which helped put them on a path to success. I saw


people mend family relationships, go back to school, and I even attended some of their graduations from college and officiated at some of their weddings.

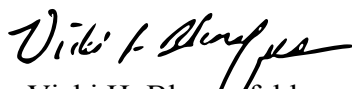
Vicki and I respectfully request that Your Honor exercise her discretion to give Dan a sentence that does not require incarceration and that allows him to continue to rehabilitate himself and any additional requirements this court deems fit to impose. I see no deterrent effect of jail time, either on a personal level or as a general deterrent to others. The once in a generation lapse in judgment was unlikely to repeat itself even before this became a criminal matter, and his civil settlement alone has become a cautionary tale for anyone considering the role of Members on Official Committees in a bankruptcy process.

Please do not incarcerate Dan so that he has an opportunity to rebuild his family's life, to teach the next generation to learn from his mistakes, and to continue the community service that he has always done for the poor, the hungry, the Jewish community and the medical community. Dan has already acknowledged and paid dearly for his mistake. And not only has he paid, so have Amy and Mia.

Though this is a very difficult time for our family, our love for Dan remains as strong as ever. We know this is aberrant behavior. He is human. He is fallible. And we have witnessed first-hand how the stress of leading his own company as well as the pressures of this industry have impacted his mental health and daily life. But the fact remains, he is a wonderful soul and a mensch. All things considered, we couldn't imagine a better son-in-law. We would still approve his application to date, and marry, our beloved daughter.

Sincerely,


Joel L. Blumenfeld


Vicki H. Blumenfeld